

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:08-cv-00187-W**

IN RE:

RIVER ROCK COTTAGES, LLC.,

Debtor-Appellant.

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ORDER

THE MATTER is before the Court on Debtor-Appellant's "Emergency Motion for Stay Pending Bankruptcy Appeal." (Doc. No. 2). Because of the unique nature of a foreclosure sale, the issues presented in the emergency motion may be deemed moot if not promptly addressed. Counsel for the Debtor-Appellant River Rock Cottages, LLC, informed the Court telephonically that since the filing of the motion, the foreclosure sale that is the subject of the motion took place as scheduled this morning at 10 a.m., during which Appellee Porter Capital Corporation cast the first bid. Nevertheless, the sale remains open for upset bids for ten days following the sale date, or until May 9, 2008, when the sale shall become final. As such, the Court is inclined to rule on the pending motion as expeditiously as possible.

Therefore, the Court hereby ORDERS the Appellee, Porter Capital Corporation, to respond to the motion for stay on or before Friday, May 2, 2008, at which time the motion shall become ripe for ruling. The Court does not intend to conduct a hearing or receive oral argument on the motion.

IT IS SO ORDERED.

Signed: April 29, 2008



Frank D. Whitney
United States District Judge

